



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

S-6J

Certified Mail
Return Receipt Requested

Richard Gay
Remediation Program Manager
Weyerhaeuser
P.O. Box 1060
Hot Springs, AR 71902

Re: Weyerhaeuser Company's Request for Reimbursement Pursuant to the Consent Decree for the Design and Implementation of Certain Response Actions at Operable Unit #4 and the Plainwell Inc. Mill Property of the Allied Paper, Inc./ Portage Creek/ Kalamazoo River Superfund Site

Dear Mr. Gross:

EPA has received your letter dated April 23, 2010, requesting disbursement of funds from the Disbursement Special Account totaling \$2,017,459.17. Pursuant to the Consent Decree for the Design and Implementation of Certain Response Actions at Operable Unit #4 and the Plainwell Inc. Mill Property of the Allied Paper, Inc./ Portage Creek/ Kalamazoo River Superfund Site ("Consent Decree"), once EPA confirms that Weyerhaeuser Company (Weyerhaeuser) has completed a milestone identified in App. G, Paragraph 3 of the Consent Decree, Weyerhaeuser shall submit to EPA a Cost Summary and Certification covering the work performed for that milestone up to the date of completion of the relevant milestone. App. G, Paragraph 4.

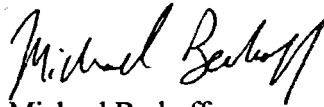
On March 25, 2010, EPA approved the Remedial Design for Operable Unit 4 of the Allied Paper, Inc./ Portage Creek/ Kalamazoo River Superfund Site, thus confirming Weyerhaeuser has completed milestone b of Appendix G (EPA approval of any Remedial Design). However, based on our review of Weyerhaeuser's April 23, 2010 letter, you have requested reimbursement for costs not associated with the approval of the Remedial Design. Specifically, you state that the costs cover work "provided to complete the Remedial Design and work performed on the 12th Street Landfill (OU4) in preparation for the TCRA in the Kalamazoo River." Letter from Richard Gay, Weyerhaeuser, to Michael Berkoff, U.S. EPA, April 23, 2010, at p.1. Under the Consent Decree, you are only eligible for reimbursement on certain costs incurred for specific milestones. As your



request for reimbursement is based upon the accomplishment of milestone b, only costs associated with the Remedial Design are eligible for reimbursement. *See* Consent Decree, App. G, paragraph 4. Thus, Weyerhaeuser's costs associated with the emergency action in the Powerhouse Channel and eastern slope of the landfill are not eligible for reimbursement at this time. Pursuant to App. G, paragraph 7, EPA is notifying you of and giving you the opportunity to cure the mistake identified above. If Weyerhaeuser fails to submit a corrected Cost Summary and Certification within 30 days of receiving this letter, EPA will recalculate your eligible costs and disburse the corrected amount to you.

If you would like to discuss this matter further, you may contact me at (312)353-8983 or Leslie A. Kirby-Miles, Associate Regional Counsel, at (312)353-9443.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Berkoff". The signature is fluid and cursive, with the first name "Michael" and last name "Berkoff" clearly distinguishable.

Michael Berkoff
Remedial Project Manager
Superfund Division

Cc: James Saric, SFD
Rebecca Frey SFD
Leslie A. Kirby-Miles, ORC